

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF <enter County>**

Date:

Judicial Officer:

Deputy Clerk:

In the matter of:

No.

INITIAL DEPENDENCY HEARING

Parties Present:

<enter party>

<enter party>

This is the time set for the **INITIAL DEPENDENCY HEARING** on a dependency petition filed <Date of petition filing>.

Open Proceedings:

- ☐ The Court determines that the proceeding is to remain open to the public and admonishes attendees that they shall not disclose identifying information (which includes posting anything on social media or the internet) about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explains contempt of court to all attendees and possible consequences of violating a court order.
- ☐ The Court orders that the proceeding be closed based on the following: <enter reason(s) that proceeding should be closed>.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, [25 USC §1901](#) et seq. <does/does not> apply.

Service and Jurisdiction:

The Court determines that service <enter whether service complete> as to <Name of applicable parent/guardian>, <enter parent> of <Name of applicable child>.

- ☐ The Court finds that parent had notice of the hearing and that the notice advised of the consequences of not appearing at this hearing.
- ☐ The Court finds that attorney/GAL has met with the child and informed the child of his/her rights including their right to attend their Court hearings and speak to the judge.

OR

- ☐ The Court orders the attorney/GAL to meet with the child within 14 days of this hearing and advise him/her of their rights.

OR

- ☐ The Court finds extraordinary circumstances exist and modifies the duty of the attorney/GAL as follows:

_____.

- ☐ The State of Arizona, by and through the Arizona Department of Child Safety, is authorized to initiate this dependency proceeding pursuant to [ARS §8-201](#) et seq., [ARS §8-501](#) et seq., [ARS §8-802](#) et seq., and [ARS §8-453](#) et seq.
- ☐ This Court has exclusive original jurisdiction over the subject matter pursuant to [ARS §8-802](#), and venue is appropriate in <enter county> County pursuant to [ARS §8-206](#).
- ☐ The Court orders the <Petitioner/DCS> to effectuate service by publication because the party cannot be reasonably located.
- ☐ This Court has jurisdiction over the <enter parent> and finds that service of process is complete as to the <enter parent> pursuant to [ARS §8-841](#) and [Az.R.Juv.Ct.48](#).

Counsel: Appointment of counsel is made/affirmed at this time for the following:

<Name of applicable counsel>, <enter counsel type>;
<Name of applicable counsel>, <enter counsel type>;
<Name of applicable counsel>, <enter minor's counsel type>.

- ☐ The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.
- ☐ The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.
- ☐ The Court confirms that the <enter parent> has/have met with their counsel and have been advised of their trial rights pursuant to [ARS §8-843\(B\)](#). The Court advises the parents that appointment is for one year and that new financial information will be required prior to reappointment after that time.
- ☐ Pursuant to DCS agreement with the dependency petition, the Court orders that DCS be substituted as the petitioner in this matter.

Documents Reviewed: The Court has received and reviewed the following documents:
<enter names of specific documents>.

- ☐ The Court determines that DCS <has/has not> filed an initial case plan pursuant to [ARS §8-824](#).

Paternity: Paternity for <Applicable child's name> <enter whether or not paternity established> by <enter how paternity established>.

- ☐ The Court, therefore, orders <Applicable parent's name> to <enter how paternity is to be established> so as to establish paternity in this matter.

Services: The Court finds that the services proposed <are / are not> appropriate, necessary, and reasonable to facilitate <enter permanency plan>.

- ☐ The Court orders DCS to provide reunification services.
- ☐ The Court orders DCS NOT to provide reunification services based on the following condition(s) <enter applicable conditions as described in [ARS §8-846\(B\)](#)>.
- ☐ The Court orders the parties to participate in the proposed services. <If private petition and party other than DCS to provide services, specify the party and who will be responsible for the cost of services.>
- ☐ As DCS is now substituting as the petitioner, the Court orders DCS to prepare a case plan consistent with the services proposed in this hearing.
- ☐ In an ICWA case, the Court orders that active efforts be made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

Additional orders: <GAL and/or CASA appointment, Protective Orders, Support, etc.>

- ☐ The Court finds that the services proposed for the child in the preliminary protective hearing report are/are not necessary and appropriate and makes the following additional orders:

- ☐ DCS is ordered to follow the recommendations and implement the services identified in the 72-hour emergency response assessment.

Education Issues:

1. The child is:

- ☐ In school (age 6 and older);
- ☐ Enrolled in an early intervention/preschool program (ages birth to 5).

2. The child has the following special needs:

3. The educational responsibilities will be divided as follows to ensure that the child's educational needs are being met and that the child has educational stability:

NOTE: The DCS report shall include efforts made to ensure the educational stability of the child and the Court is to enter orders addressing this. [Az.R.Juv.Ct. 45\(B\)\(7\), Az.R.Juv.Ct. 58\(C\)\(2\)](#).

Plea: The <enter parent> enters a plea of <enter plea> to the allegations contained in the <motion/petition>.

- ☐ The Court advises the <enter parent> of <his/her/their> rights, including their right to request prior to the hearing that any hearing be open to the public. The Court determines that <enter parent> understands <his/her/their> rights.
- ☐ The Court advises the <enter parent> that a Permanency Hearing will be held within one year from the child's removal from their care, or within six months if the child is under three. If significant progress toward the case plan of reunification has not occurred by the Permanency Hearing, the case plan goal will be changed.
- ☐ The Court determines that the plea of <enter plea> made by <enter parent> <was/was not> made knowingly, intelligently and voluntarily.
- ☐ <IF PRESENT> The Court provides foster parents, shelter care facility, receiving foster home, pre-adoptive parents or a member of the child's extended family with whom the child has been placed an opportunity to be heard.

Adjudication: The Court, having considered the verified petition/amended petition dated <Date petition filed>, the Court reports filed and admitted into evidence, and the plea of <enter plea> of the <enter parent>, finds by <enter burden of proof> that:

- ☐ The child, <Insert name(s) of applicable child>, <is/are> dependent <If not as to all parties, state the name(s) and relationship(s) of specific party> as defined by [ARS §8-201](#).
- ☐ The Court, therefore, orders that <Insert the name(s) of the applicable child> be made a ward(s) of the Court as a dependent child as to <Insert name of parent> and placed in the care, custody and control of the Arizona Department of Child Safety.

Disposition: The Court finds, after consideration of the health and safety of the child, the goal of the placement, and the services offered to the family and the child, that the goal of <enter permanency plan> is appropriate at this time.
Establish concurrent plan if appropriate.

- ☐ The Court finds that it is contrary to the child's best interests to remain in the home based on the following: <INSERT FACTUAL BASIS>.
- ☐ The Court determines DCS is attempting to identify and assess placement of the child with the child's grandparent or another member of the child's extended family, including another person who has a significant relationship with the child.
- ☐ DCS is attempting to identify and assess placement of the child with the child's siblings if possible and in the child's best interest.
- ☐ **Reasonable Efforts:** The Court finds that <enter reasonable effort finding> to prevent the removal of <Insert the name of the child> from the home and this finding is based upon the following facts: <Insert the factual basis for the reasonable efforts finding>.

ICWA

- ☐ Pursuant to [25 USC §1912](#), the Court is satisfied that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful. The Court further finds, by clear and convincing evidence, including testimony from a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
- ☐ Pursuant to [25 USC §1922](#), the Court finds that the removal and placement of the child is necessary to prevent imminent physical emotional damage or harm. <enter basis for imminent damage finding>
- ☐ The child was placed pursuant to the standards of the ICWA. [25 USC §1915](#).

- ☐ There was good cause to deviate from the requirement to place the child pursuant to the ICWA <enter factor(s) considered and basis for good cause finding>.

ADDITIONAL ORDERS

- ☐ The Court finds that DCS <Select has/has not> made arrangements for the assembly of the medical records for the child, a medical assessment of the child, the implementation of referrals and the communication of recommendations and results, as provided by law.
- ☐ The Court orders notification to the foster parents, pre-adoptive parents or a member of the child's extended family with whom the child has been placed be effectuated by <enter responsible party or manner by which notice to be provided>.
- ☐ The Court finds that the child has been advised of and understands his/her right to attend court hearings and speak to the judge.
- ☐ The Court orders the parent or guardian to provide the Court the names, type of relationship and all available information necessary to locate persons related to the child or who have a significant relationship with the child unless the parent or guardian informs the Court that there is not sufficient information available to locate a relative or person with a significant relationship with the child.
- ☐ The Court orders the parent or guardian to inform DCS immediately of new information related to the existence or location of a relative or person with a significant relationship to the child.
- ☐ The Court orders the parties to inform the Court if they obtain information that the child is an Indian child as defined by the ICWA.

Future Hearings: The Court sets/affirms the following hearings:

- ☐ <enter hearing type> as to <enter parent> is set for <enter date, time and location of this hearing>.
- ☐ The Court vacates the <enter hearing type> set for <enter date, time and location of this hearing>.

Admonitions:

- ☐ The Court orders that <enter the names of all applicable parties, counsel and professionals who should be attending mediation> attend Mediation set for <enter date, time and location of mediation>.

- ☐ The Court admonishes the <enter parent> that:
- Failure to attend future hearings without good cause shown may result in a finding that they have waived their legal rights and are deemed to have admitted the allegation(s) in the petition.
 - The hearing may go forward in their absence and may result in a finding of dependency.
 - Failure to participate in reunification services may result in the termination of their parental rights or the establishment of a permanent guardianship
- ☐ The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to attend future hearings or participate in reunification services.
- ☐ The Court read to and provided the parent a copy of Form 1, requests that the parent, guardian or Indian custodian sign and return a copy of the form, and notes on the record that the form was provided.

Dated: _____

<Judge/Commissioner/Hearing Officer> of the Superior Court